



**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH (COURT-II), CHANDIGARH**

**IA(IBC)(PLAN)/13/(CH)/2024**  
**In**  
**CP(IB) No.107/Chd/Hry/2023**  
**(Admitted)**

*(An Application under sections 30 (6) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of The National Company Law Tribunal Rules, 2016)*

**In the matter of IA(IBC)(PLAN)/13/(CH)/2024**

**Deepika Bhugra Prasad**  
**Resolution Professional for Laxmi Pipes Limited**

Office at:

E-IOA, LGF, Kailash Colony,  
New Delhi-110048

.....Applicant

**In the matter of CP(IB) No. 107/Chd/Chd/2020**

*(An Application under section 9 of the Insolvency & Bankruptcy Code, 2016)*

**IN THE MATTER OF:**

M/s GSV Products  
Through its Sole Proprietor  
Mr. Parveen Kumar Garg

**...Operational Creditor**

Versus

Laxmi Pipes Limited

**...Corporate Debtor**

**Order delivered on: 22.01.2026**

**CORAM: MR. K. BISWAL, MEMBER (JUDICIAL)**  
**MR. KAUSHALENDRA KUMAR SINGH, MEMBER (TECHNICAL)**

**Present:-**

**For the Applicant/RP** : Mr. Sanjeev Chaudhary, Mr. Shubham Budhiraja, Advocates and Ms. Deepika Bhugra Prasad, RP in person through physical mode.



## ORDER

1. The present Application has been filed on 02.09.2024 by Ms. Deepika Bhugra Prasad, Resolution Professional (hereinafter referred to as the **“RP”**) under Section 30(6) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the **“Code”** or **“IBC”**), seeking approval of the Resolution Plan of **Mr. Anuj Goyal** (hereinafter referred to as the **“Successful Resolution Applicant”** or **“SRA”**), in respect of **Laxmi Pipes Limited** (hereinafter referred to as the **“Corporate Debtor”**) which has been approved with 99.26% voting share of the Committee of Creditors (hereinafter referred to as the **“COC”**) in the 17th Meeting dated 28.05.2024.

2. The averments made by the Applicant/Resolution Professional in the present application and as presented by the Ld. Counsel are summarized as under:-

i. The Corporate Debtor was admitted in the Corporate Insolvency Resolution Process (CIRP) on 17.05.2023. Mr. Deepak Thukral was appointed as Interim Resolution Professional (IRP). Vide order dated 20.11.2023, the said IRP, Mr. Deepak Thukral, was replaced by the Applicant herein, namely Ms. Deepika Bhugra Prasad, as the newly appointed RP.

ii. The Corporate Debtor is an unlisted Company registered under the Companies Act, 1956 and incorporated on 25.09.1984. It has been engaged in the business of manufacturing of black and galvanized



tubes and pipes and used to sell the same under the brand name 'Singhal India'. It is an MSME registered on 12.02.2021.

iii. The Constitution of the COC (revised) and the voting share of the respective Members has been as under:-

S. No.	Name of Creditor	Amount Claimed (Rs.)	Amount Admitted (Rs.)	Voting Share (%)
1.	State Bank of India	53,72,62,319	53,72,62,319	99.26%
2.	Niraj Jindal Ispat Udyog Pvt. Ltd.	40,31,099	40,31,099	0.74%
<b>Total</b>		<b>54,12,93,418</b>	<b>54,12,93,418</b>	<b>100%</b>

iv. As against the total claim received at Rs.64,57,27,337/-, the IRP had admitted the claim to the extent of Rs.62,27,44,884/-

v. Pursuant to publication of Form G for inviting of Expression of Interest (EOI) twice on 05.07.2023 and 09.11.2023 in the course of the CIRP, 11 Resolution Plans of were received from Prospective Resolution Applicants. The Members of the CoC in consultation with the Applicant-RP opted to analyze the Resolution Plans submitted by all those Prospective Resolution Applicant using the "Swiss Challenge Mechanism" in order to explore the competitive proposal amongst the PRAs. The PRAs were asked to revise their Resolution Plan and following that finally five (05) Resolution Plans submitted by: **a) M/s SPSS Infrastructure Private Limited; b) Mr. Anuj Goyal; c) M/s Sabrimala Industries India Limited; d) Mr. Pawan Singla; and e) Mr.**



**Ishwar Rana** were put for voting. The Resolution Plan submitted by **Mr. Anuj Goyal** (Resolution Applicant) was approved by 99.26% in its 17<sup>th</sup> Meeting on 09.08.2024.

vi. The RP has filed this Application on 02.09.2024 seeking approval of the Resolution Plan.

vii. The prescribed period 180 days of the CIRP had ended as on 13.11.2023 and thereafter, the period has been extended vide order dated 02.06.2025 and the extended period of the CIRP ended as on 02.09.2024.

viii. On the basis of the Valuation Reports, the fair value and liquidation value of the Corporate Debtor has been arrived at Rs.31.39 Crore and Rs.23.39 Crore respectively.

ix. The Resolution Plan value amounts to Rs.30.42 Crores and the SRA has proposed to pay the total amount to the Stakeholders within 365 days from the NCLT approval date.

x. The Resolution Plan provides for the payment towards the CIRP cost and to the various Stakeholders as given in the Table below:-

<b>Particulars</b>	<b>Amount Claimed</b>	<b>Amount Admitted</b>	<b>Realizable amount under the plan</b>	<b>Amount realizable in plan to the admitted claim in (%)</b>
<b>CIRP Costs</b>	-	-	25,00,000	-



<b>Financial Creditors</b>				
<b>(i) Secured Financial Creditors - Assenting</b>	53,72,62,319	53,72,62,319	30,00,00,000	55.83%
<b>(ii) Unsecured Financial Creditors - Not voted / Dissenting</b>	40,31,099	40,31,099	1,00,000	2.48%
<b>Operational Creditors</b>				
(i) Workmen - (within 24 months only)	3,46,940	3,46,940	3,46,940	100%
(ii) Government	39,88,544	39,88,544	2,00,000 [for ii, iii & iv]	0.25% [for ii, iii & iv]
(iii) Employees Within 12 months - 27,59,786 Before 12 Months - 39,83,133	39,83,133	39,83,133		
(iv) Other Operational creditors (other than workmen & employees)	9,40,95,395	7,11,12,942		
Other Debts and Dues (Gratuity)	--	--	11,19,907 [11,19,907 To be paid in full after adjustment of gratuity fund available with the corporate debtor to the extent of Rs. 9 Lakh approx.]	100%
<b>Total</b>	<b>4,37,07,430</b>	<b>62,07,24,977</b>	<b>30,42,66,847</b>	



xi. The RP has examined the Resolution Plan and required compliances thereon. For ready reference, the compliance examined by the RP are reproduced in the Table below:-

<b>Section of the Code/Regulation No.</b>	<b>Requirement with respect to the Resolution Plan</b>	<b>Compliance (Yes/No)</b>	<b>Relevant clause of resolution plan</b>
Section 25(2)(h)	The Resolution Applicant meets the criteria approved by the CoC having regard to the complexity and scale of operations of business of the CD	Yes	Schedule III
Section 29A	The Resolution Applicant is eligible to submit resolution plan as per final list of Resolution Professional or Order, if any, of the Adjudicating Authority	Yes	Schedule III
Section 30(1)	The Resolution Applicant has submitted an affidavit stating that it is eligible as per Code	Yes	Undertaking as per Regulation 39(1)(a)
Section 30(2)	The Resolution Plan- (a) Provides for the payment of Insolvency Resolution Process Cost (b) Provides for the payment to the operational creditors (c) Provides for the payment to the Financial Creditors who did not vote in favour of the resolution plan (d) Provides for the management of the affairs of the corporate debtor? (e) Provides for the implementation and supervision of the Resolution Plan (f) Contravenes any of the provisions of the law for the time being in force	Yes  Yes  Yes  Yes  Yes  No	Schedule V and addendum



Section 30(4)	The Resolution plan  (a) is feasible and viable, according to the CoC (b) has been approved by the CoC with 66% voting share	Yes  Yes	Schedule VI
Section 31(1)	The Resolution Plan has provisions for its effective implementation plan, according to the COC	Yes	Schedule IV
Regulation 38(1)	The amount due to the operational creditors under the resolution plan has been given priority in payment over financial creditors	Yes	Schedule V and addendum
Regulation 38(1A)	The Resolution Plan includes a statement as to how it has dealt with the interest of all stakeholders	Yes	Schedule V
Regulation 38(1B))	Neither the Resolution Applicant nor any of its related parties has failed to implement or contributed to the failure of implementation of any resolution plan approved under the Code. If applicable, the Resolution Applicant has submitted a statement giving details of any such non-implementation	No	Schedule III
Regulation 38(2)	The Resolution Plan provides:  (a) the term of the plan and its implementation schedule (b) for the management and control of the business of the corporate debtor during its term (c) adequate means for supervising its implementation	Yes	Schedule IV
Regulation 38(3)	The Resolution Plan demonstrates that-  (a) it addresses the cause of	Yes	Schedule VI



	default (b) it is feasible and viable (c) it has provisions for its effective implementation (d) it has provisions for approvals required and the timeline of the same (e) the resolution applicant has the capability to implement the resolution plan		
Regulation 39(2)	Whether the RP has filed application in respect of transactions observed, found or determined by him?	Yes	Schedule IV
Regulation 39(4)	Provide details of performance security received as referred to in sub-regulation (4A) of Regulation 36B	Yes	Schedule IV

3. We have heard the Learned Counsel for the RP and have carefully pursued all the pleadings placed on the records. It is noted that the CoC approved the Resolution Plan of Mr. Anuj Goyal by 99.26% votes and as such it is not necessary for us to go into details of the commercial wisdom of CoC. We proceed to examine the plan in light of provisions contained in sections 30(2) and 31 of the Code r.w. Regulation 38 of the IBBI (CIRP of the Corporate Debtor) Regulations, 2016. The Resolution Professional has placed on record the compliance certificate in Form-H. It shows that the fair value of the assets of the Corporate Debtor is Rs.31,39,07,381/- whereas, the liquidation value of the corporate debtor is Rs.23,39,70,208/-. The Resolution Plan value as proposed by the successful Resolution Applicant is of Rs.30,42,66,847/-.



4. In order to obtain the approval of the Adjudicating Authority, the Resolution Plan should adhere to the following requirements as per section 30(2) of the Code and Regulation 38 of the CIRP Regulations thereunder:-

i. It should provide for the payment of corporate insolvency resolution process costs in priority to the repayment of other debts of the corporate debtor.

[Section 30(2)(a)]

ii. The repayment of the debts of operational creditors should not be less than the amount to be paid to such creditors in the event of liquidation of the corporate debtor under section 53 of the Code, or the amount that would have been paid to the said creditors if the amount to be distributed under the resolution plan had been distributed in accordance of section 53(1) of the Code.

Moreover, the payment to the operational creditor is to be made in priority over the financial creditor;

Further, the repayment of the debts of dissenting financial creditors should not be less than the amount that would have been paid to such creditors in the event of liquidation of the corporate debtor under section 53 of the Code and the payment to said dissenting financial creditor is to be made in priority to the consenting financial creditors.

[Section 30(2)(b) read with CIRP Regulation 38(1)(a) & 38(1)(b)];

iii. Provides for the management of the affairs of the corporate debtor after approval of the resolution plan.

[Section 30(2)(c) read with CIRP Regulation 38(2)(b)];



iv. The implementation and supervision of the resolution plan.

[Section 30(2)(d) read with CIRP Regulation 38(2)(c)]

v. It does not contravene any of the provisions of the law for the time being in force.

[Section 30(2)(e)];

vi. It conforms to such other requirements as may be specified by the Board.

[Section 30(2)(f)]

Such other requirements of the Resolution Plan as detailed in IBBI (Resolution Process for Corporate Person) Regulations, 2016 which are not covered above, are as under:

a. The Resolution Plan should include a statement as to how it has dealt with the interest of all stakeholders including financial creditors and operational creditors of the corporate debtor.

[CIRP Regulation 38 (1A)]

b. The Resolution Plan should include a statement giving details as to whether the Resolution Applicant or any of its related parties has at any time failed to implement or caused the failure of implementation of any other Resolution Plan which was approved by the Adjudicating Authority.

[CIRP Regulation 38 (1B)]

c. The Resolution Plan should contain the term of the plan and its implementation schedule.

[CIRP Regulation 38(2)(a)]



d. The Resolution Plan should also demonstrate that it addresses the cause of default; is feasible and viable; has provisions for its effective implementation; has provisions for approval required and timeline for the same. Further, that the resolution applicant has the capability to implement the Resolution Plan.

[CIRP Regulation 38(3)]

5. During the course of the hearing, the Resolution Professional was required to place on record the amount payable towards EPFO dues. As per the details provided, the EPFO dues, amounts to Rs.14,52,924/-, and the SBI (the Member of the CoC having 99.26% vote) has undertaken to pay the said amount in full immediately upon crystallization and confirmation of such dues. In the context, an Affidavit has also been filed by the SBI having undertaken to pay the said amount. It has also been submitted therein that the approved Resolution Plan provides for a payment of Rs.30 Crore to SBI together with reimbursement of Rs.25 Lakh towards the CIRP cost, the liability of which was by and large borne by the Bank. It is stated that the amount payable to SBI under the Resolution Plan is more than adequate to ensure settlement of EPFO dues. In confirmation thereof, the RP has also filed an Affidavit, which is taken on record.

6. In view of the provisions of the Code as summarized hereinabove in Para 4, the Resolution Plan is examined as follows:-

i. The Resolution Plan provides for payment of CIRP cost at Rs.25 Lakh. In the context it has been submitted that during the process, the



CIRP cost has been borne by and large by the SBI and the Resolution Plan provides for payment of Rs.30 Crore to the SBI towards its claim together with Rs.25 Lakh towards CIRP cost. The Resolution Plan also provides that any CIRP cost incurred over and above the said amount till the date of approval of the Resolution Plan shall be paid fully within 45 days from the date of approval by the NCLT. Thus, the provisions of Section 30(2)(a) are complied with.

ii. There have been two CoC Members-one State Bank of India (Secured Financial Creditor) having 99.26% voting shares and the other Neeraj Jindal Ispat Udyog Private Limited (Unsecured Financial Creditor). The State Bank of India voted in favour of the Resolution Plan whereas, Neeraj Jindal Ispat Udyog Private Limited having 0.74% did not vote onto it. As such, though the Second Member of the CoC did not vote, that would not amount to be any dissent. Thus, there are no dissenting Creditors.

The workmen dues for 24 months and gratuity is proposed to be paid in full. Further, as against the total admitted dues of Operational Creditor (other than workmen, gratuity and PF dues) at Rs.7,90,84,619/-, the Resolution Plan provides for payment of an amount of Rs.2 Lakh only which is 0.25% of their admitted claim. As provided under Section 30(2)(b) of the Code, the repayment of debts of an Operational Creditor should not be less than amount to be paid to such Creditor under Section 53 of the Code or the amount that would have been paid to such Creditor if the amount is distributed under the



Resolution Plan had been distributed in accordance with Section 53(1) of the Code.

In the present case, the liquidation value of the Corporate Debtor is Rs.23.39 Crore, whereas the Resolution Plan value is Rs.30.42 Crore against the total admitted claim of Rs.62.27 Crore including a debt of Rs.53.72 Crore admitted in favour of the Secured Financial Creditor (SBI) alone. Even if this Liquidation Value or the plan value were to be distributed strictly in accordance with the priority set out under Section 53 of the Code, the entire amount would be fully absorbed by the higher-priority stakeholders, particularly the Secured Financial Creditors, leaving no residual amount for the Operational Creditors. Despite this, the Resolution Plan provides for payment to the Operational Creditors (other than workmen dues, PF and gratuity), though the amount is quite nominal at Rs.2 Lakh, which is 0.25% of their admitted claim.

Thus, as regards the payment of the dissenting creditor or the Operational Creditor, the Resolution Plan is complaint of the provisions of Section 30(2)(b) read with Regulations 38(1)(a) and 38(1)(b) of the CIRP Regulations.

iii. Prior to the initiation of the CIRP, the Board of Directors of the Corporate Debtor was consisted of the following:-

**“BOARD OF DIRECTORS OF CORPORATE DEBTOR**

<b>Sr. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Address</b>
1.	Mr. Pawan Kumar Singla	Managing Director DIN: 00350375	28, 3 <sup>rd</sup> Floor, North Avenue



2.	Mr. Kamlesh Rani Singla	Director DIN: 00353540	Road, Punjabi Bagh West, Delhi, Delhi, 110026
3.	Mr. Sandeep Singla	Director DIN: 00350992	

The table below also gives the shareholding the Corporate Debtor:-

**SHAREHOLDERS OF CORPORATE DEBTOR**

<b>Sr. No.</b>	<b>Name</b>	<b>No of Shares</b>	<b>% Shareholding</b>
1.	Mr. Pawan Kumar Singla	1066152	41.60%
2.	Mr. Kamlesh Rani Singla	441020	17.21%
3.	Mr. Pardeep Singla	100	0.00%
4.	Mr. Sandeep Singla	873720	34.00%
5.	Ms. Ruchika Singla	100	0.00%
6.	Ms. Ritu Singla	181688	7.08%
7.	Mr. Mahendra Kumar Garg	100	0.00%
	<b>Total</b>	<b>25,62,880</b>	<b>100.00%</b>

The plant of the Corporate Debtor is a closed unit. The plant has been shut down since March, 2023. The Corporate Debtor has two assets left on the date of initiation of the CIRP which is land and building and plant and machinery.

The Resolution Plan provides for reconstitution of the Board on its approval by the Adjudicating Authority. It also provides that from the NCLT approval date till the Board reconstitution date, management of the Company will be supervised by the Monitoring Committee comprising of 1 (one) Representative of Secured Financial Creditors and 02 (Two) Representative of the Resolution Applicant and 01 (one) Resolution/Insolvency Professional (who shall be its Chairman); and from the date of the Reconstitution of the Board, the management of the Company would be in the hands of the Board of Directors. Thus,



we find that adequate provisions have been made for the management of the affairs of the Corporate Debtor after approval of the Resolution Plan and as such, the provisions of Section 30(2)(c) of the Code r/w CIRP Regulation 38(2)(b) of the CIRP Regulations has been complied with.

iv. The Implementation and Supervision of the Resolution Plan is entrusted to the Monitoring Committee. It is also provided that from the date of NCLT approval till the constitution of the Monitoring Committee, the Resolution Professional shall supervise the implementation of the Resolution Plan. As such, the provisions of Section 30(2)(d) r/w Regulation 38(2)(c) is complied with.

v. The RP has submitted that the plan does not contravene any provisions of law. We also noted that the plan does not contravene any provisions of the law for the time being in force. Thereby, the provisions of Section 30(2)(e) has been complied with

vi. The Resolution Plan also confirms to other IBBI Regulations as given hereunder:

a. The Resolution Plan adequately deals with the interest of all stakeholders, including Financial Creditors and Operational Creditors of the Corporate Debtor. Thereby, the plan is in compliance with CIRP Regulation 38(1A) of the CIRP Regulations.

b. It is submitted that neither the Resolution Applicant nor any of its related parties have at any time failed to implement or



contributed to the failure of implementation of any other Resolution Plan which was approved by the Adjudicating Authority. Thereby, the plan is in compliance with CIRP Regulation 38(1B) of the CIRP Regulations.

c. The Resolution Applicant proposes to implement this Resolution Plan within a period of 365 Days month from the Tribunal's Approval Date in accordance with the Implementation Schedule and other terms contained in this Resolution Plan. The term of the plan and its implementation schedule has been provided in Schedule IV clause 9 of the Resolution Plan, which is as follows:-

<b>Sr. No.</b>	<b>Activity</b>	<b>Timeline</b>
1.	CIRP Cost	Within 45 days of the NCLT Approval date.
2.	Payment to Secured financial creditors (30 cr.)	<ul style="list-style-type: none"> <li>• 3 Cr. in 30 days of NCLT approval date;</li> <li>• 6 Cr. in 90 days of NCLT approval date;</li> <li>• 21 Cr. On or before 180 days of NCLT approval date</li> </ul>
3.	Payments to Unsecured Financial Creditor	Within 45 days of the NCLT Approval date
4.	Payment to Operational Creditor- <ul style="list-style-type: none"> <li>• Workmen - Other dues</li> <li>• Government</li> <li>• Employees -PF dues</li> <li>-Other dues</li> <li>• Other Operational creditors (other than workmen &amp; employees)</li> </ul>	Within 45 days of the NCLT Approval date
5.	Other Debts and Dues (Gratuity)	Within 45 days of the NCLT Approval date



The Resolution Applicant has also proposed to pay the Secured Financial Creditor 100% of the amount realized netting off if any amount is recovered from avoidance transactions, fraudulent transactions, or other wrongful acts. Thereby, Regulation 38(2)(a) of the CIRP Regulations has been complied with.

d. The Resolution Plan addresses the cause of default; is feasible and viable; has provisions for its effective implementation; contains provisions for approval required and the timeline for the same. Further, that the Resolution Applicant has the capability to implement the Resolution Plan. Thus, Regulation 38(3) of the CIRP Regulations has been complied with.

7. It is to be noted that the Resolution Applicant is having experience in Manufacturing of Power & Distribution of Transformers and Trading of Iron & Steel/ Ferrous and Non-ferrous metals. He is also running NBFC namely Mudraksh Investfin Pvt Ltd. and regularly participating in various bank auctioned properties through SARFAESI/ DRT /NCLT /High court etc. for the past 15 years and having vast experience for dealing arbitration matters. The Resolution Plan stated that the amount of Rs. 100 lacs will be inducted as equity and Balance amount as quasi equity/ loan to Corporate Debtor by Resolution Applicant or its Associates/ nominee/ SPV or consortium or joint ventures or any of appropriate structure as may be decided by Resolution Applicant. Proposed shareholding pattern after the allotment of Equity share capital is:-



<b><i>Name of the Shareholder</i></b>	<b><i>Proposed Capital</i></b>	<b><i>%</i></b>
<i>Anuj Goyal &amp; his Associates</i>	<i>1,00,00,000</i>	<i>100</i>

Funds will be inducted from their own resources. The Resolution Applicant(s) has sufficient net worth and current assets to source the funding of this Resolution Plan.

8. The Relief and Concessions are sought by the Resolution Applicant in Schedule VIII of the Resolution Plan. The Resolution Applicant is seeking certain reliefs and concessions which are in the nature of prayer and not a condition precedent for the implementation of the Resolution Plan. The relief and concession as sought by the SRA are dealt with here as under:-

(i) The Resolution Applicant has sought unrestricted access of the assets of the Company on such locations where the Company conducts its business from each of the lessors/owners without holding any asset of the Company located at such premises for ransom.

(ii) The implementation of this Resolution Plan shall not be a ground for termination of any Clearances that has been granted to the Company or for which the Company has made an Application for renewal or grant. The Company be granted a period of 12 months from the NCLT Approval Date to comply with the statutory obligations without suffering any adverse implications including any revocation of licenses or levy of penalties. Furthermore, from the the NCLT Approval Date, any allegations in relation to the non-compliance with the terms



of any contract or Clearances obtained by the Company, the related litigations will be treated as withdrawn on and from the effective date and that no coercive action be taken against the Company.

(iii) Carry Forward losses:-

- To exempt/grant relief to the company from the provisions of section 41(1), 79, 115 JB of the Income tax act including but not limited to losses on account of impairment of fixed assets, Inventories and/or any other loss due to restructuring.
- No income tax will be attracted/payable on account of capital gain arising out of the transfer of shares/Assets as envisaged in this Resolution Plan to Resolution Applicant, if any;
- To the extent permitted under Income Tax Act and permitted under IBC to allow the company to carry forward its unabsorbed business losses/Capital Loss related to period up to effective date (even if there is delay in filing the return) beyond statutory time limit of 8 assessment years under Section 72 of IT Act 1961 and set off in subsequent years; in as much as in calculation of the period of limitation of 8 years under section 72(3) of Income Tax Act for carry forward of losses, the years during which the net worth remained negative, be excluded. Further Company/ Resolution Applicant allow to file the Income Tax return which yet to be file related to year prior to effective



date and losses computed under the said return also to be allowed to carry forward.

(iv) Waiver of dues under Demand notice if any issued by Assessing Authority Under VAT, CST ACT 1956, GST, Income Tax Act, TDS etc including Penalty and Interest under VAT, CST, GST, Entry Tax, Income Tax etc.

(v) Waiver of dues if any payable to workers and employees other than gratuity dues under labour related case.

(vi) All domain names, servers, being currently used by the Company to the extent not owned shall continue to be available for use by the Company for a period of 3 months from the Tribunal's Approval Date.

(vii) There shall be no adverse effect on the rights of the Company over its immoveable properties.

(viii) Any right of subrogation, reimbursement, recompense, under any corporate guarantee, letters of comfort or similar instruments of debt or any obligation provided by any promoter, affiliate or Related Party of the Company shall stand extinguished and become null and void as of the Tribunal's Approval Date.

(ix) Each of the directors whose offices are being vacated pursuant to the provisions of the Resolution Plan, the Related Parties whose Contracts are being terminated pursuant to this Resolution Plan shall have no claim against the Company either in law or tort including on account of any loss of office, profit or repute.



(x) Any stamp duty liabilities or Tax liability arising pursuant to the transactions contemplated under this resolution plan shall be exempted or waived off.

8.1 As regards to the unpaid liabilities after the approval of the plan and the claims not filed at all with the RP during the CIRP, the law has been well settled by the Hon'ble Supreme Court in the case of **Ghanshyam Mishra and Sons Private Limited Vs. Edelweiss Asset Reconstruction Company Limited and Ors. Reported in MANU/SC/0273/2021** in the following words:

86. “.....The legislative intent behind this is to freeze all the claims so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. If that is permitted, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable. 87. We have no hesitation to say that the word "other stakeholders" would squarely cover the Central Government, any State Government or any local authorities. The legislature, noticing that on account of obvious omission, certain tax authorities were not abiding by the mandate of I&B Code and continuing with the proceedings, has brought out the 2019 amendment so as to cure the said mischief.....”

In view of the above, all unpaid liabilities and those which are not included in the said resolution plan would stand extinguished.



8.2 After the corporate debtor is taken over by the new management, no inquiry, investigation, litigation etc. will be made against it in relation to the period prior to the CIRP.

8.3 As regards allowing carry forward losses, it is to be noted that following the process of the CIRP and on extinguishment of the unpaid liabilities, the financial accounts are to be recasted by providing a suitable accounting entries whereby, the extinguished liabilities together with the extinguished share capital of the previous management would get converted into the Capital/General Reserve and as such the accumulated losses, if any, will have to be first of all set off against such a Reserve. For balance amount, if any, the SRA can approach the Income Tax Authorities.

8.4 As regards other reliefs and concessions sought by the resolution applicant, we direct the said successful resolution applicant to approach the concerned statutory authorities for those concessions and those authorities will consider the same as per the provisions of law under the relevant Acts keeping in view the intent and object of the IBC.

8.5 The relief which is not specifically provided should not be treated as being allowed. Even if no reliefs or concessions are granted by the authorities concerned then also SRA is bound to implement the resolution plan effectively without taking shelter of refusal by authorities concerned by non-implementation of the plan.

9. The proviso to sub-section (1) of Section 31 of the Code, 2016 states that before passing any Order for approval of the Resolution Plan, the Adjudicating Authority should also satisfy that the Resolution Plan has



provisions for its effective implementation. In view of the discussions and findings as made hereinabove, we are satisfied that Resolution Plan in question meets the requirements as referred to in Sub-Section (2) of Section 30 of the IBC and the Resolution Plan also contains the provisions for its effective implementation, and in the result, we hereby approve the Resolution Plan submitted by **Mr. Anuj Goyal** for the Corporate Debtor and proceed to pass the following Order:

- (i) Application is allowed.
- (ii) The Resolution Plan shall be binding on the Corporate Debtor, its employees, members, creditors including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force is due, guarantors and other Stakeholders involved in the Resolution Plan.
- (iii) The approved 'Resolution Plan' shall become effective from the date of passing of this Order.
- (iv) The Order of moratorium dated 17.05.2023 passed by this Adjudicating Authority under section 14 of the IBC, 2016 shall cease to have effect from the date of passing of this Order.
- (v) The Resolution Professional shall forthwith send a copy of this Order to the participants and the Resolution Applicant(s).



(vi) The Resolution Professional shall forward all records relating to the conduct of the Corporate Insolvency Resolution Process and Resolution Plan to the Insolvency and Bankruptcy Board of India to be recorded in its database.

10. As a result, the Application bearing **IA(IBC)(PLAN)13/2024** stands **allowed.**

Sd/-

**(K.K. SINGH)**  
**MEMBER (TECHNICAL)**  
Priyanka/Stenographer

Sd/-

**(K. BISWAL)**  
**MEMBER (JUDICIAL)**